

## INSTRUCTIONS FOR MAKING A PAPERWORK REDUCTION ACT CLEARANCE SUBMISSION: SUPPORTING STATEMENT

**GENERAL INSTRUCTIONS** -Each request for OMB approval of an information collection must include a Supporting Statement prepared in the format described below. The quality of the Supporting Statement is a key factor in whether approval is obtained. If an item is not applicable, provide a brief explanation. All Statements must respond to the items in Section A; if Section B does not apply, state that the collection will not employ statistical methods. If Item 17 of the OMB 83-I was checked "Yes", then Section B must be completed. [Click here](#) for the electronic template for the Supporting Statement.

Attach copies of any forms or other instruments used to obtain the information from the public. Unless an exemption is requested, e.g. for an international collection, forms must display the OMB Control Number and current expiration date, or have placeholders for them in new collections. Also required on all forms is a Paperwork Reduction Act Statement, a paragraph containing:

Purpose of the information collected on the form.

Estimated time for completion, including all research and preparation.

Contact information for the applicable program person

A statement on confidentiality recapping the information in the Supporting Statement, Part A, #10.

This statement: “Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number”.

Your Supporting Statement should repeat the underlined portions of each question below. These are already provided on the electronic format available on this site.

### SPECIFIC INSTRUCTIONS -

#### SECTION A. JUSTIFICATION:

##### **1. Explain the circumstances that make the collection of information necessary.**

Include a citation and brief description of any statute or executive order that requires the collection, as well as any pending regulations on which revisions are based, if applicable. Copies of statutes mandating or authorizing a collection must be included with all submissions. Provide some background information on the program and describe how the collection supports it. Detail any specific program problems you hope to resolve.

If NOAA or a state or local partner is already collecting information from the same universe of respondents, briefly describe these collections and how they relate to the proposed collection. Every practical effort should be made to consolidate requirements on the same respondents, and the Supporting Statement should reflect that this has been done. If collections have very similar questions, you may wish to describe the relationship in Item 4, rather than in Item 1.

**2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

For all but "New" collection requests, indicate the actual use NOAA has made of the information received. This explanation of the proposed and any past use of the information is a key one and must be detailed. Do not just make general statements about the overall use of the information, but address the specific items of information being collected. You should deal individually with each question or type of question being asked in your survey or on your form unless the purpose of the question is obvious to someone not familiar with your program. One of OMB's key standards under the Paperwork Reduction Act is whether the information has "practical utility"; you must demonstrate that you will be using all of the information collected for a practical and necessary program purpose. In response to Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554), NOAA has issued guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by NOAA, and has established administrative mechanisms allowing affected persons to seek and obtain correction of information that does not comply with applicable guidelines.

As a result of the Section 515 requirements and resulting guidelines, you need to do the following: (1) become familiar with the [NOAA Information Quality Guidelines](#) and determine whether they could apply to your collection; and (2) if they do apply (e.g. the information collected will be disseminated to the public or used to support information that will be disseminated to the public), explain at the end of #2 how the information collected complies with applicable Information Quality Guidelines.

The following statement would be applicable when the Guidelines do apply:

It is anticipated that the information collected will be disseminated to the public or used to support publicly disseminated information. As explained in the preceding paragraphs, the information gathered has utility. NOAA (*insert line office or program name*) will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Prior to dissemination, the information will be subjected to quality control measures and a pre-dissemination review pursuant to Section 515 of Public Law 106-554.

If you do not plan to disseminate the information, or use it to support information that will be disseminated, explicitly state this in the answer:

As explained in the preceding paragraphs, the information gathered has utility. NOAA (*insert line office or program name*) will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA (*insert line office or program name*) decide to disseminate the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

If the collection involves vessel or gear marking only, state simply that “The information collected will not be disseminated to the public, as it consists solely of marking gear and/or vessels with the appropriate vessel or permit number. This information is not submitted to NMFS.”

You should always address the quality of information guidelines per one of the three scenarios above. It is critical that your collection complies with the Guidelines if they are applicable, since failure to do so can open Fishery Management Plans and other actions to legal challenge.

Finally, OMB has [standards](#) for asking questions about race or ethnicity. If you ask such questions, you must comply with those standards.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

Explain the basis for the decision for adopting this means of collection. Also describe any consideration you have given or are giving to the use of improved information technology to reduce the burden on the public. You must address the following:

- a. Is the electronic submission of responses possible\*
- b. If a form is involved, is it available for public printing off the Internet\* (if so, please supply the url).
- c. Will the results of the information collection be made available to the public over the Internet?

\* All NMFS forms must be made available to the public as “fillable and printable” in the NMFS forms portal. Therefore, unless another electronic means such as an online web

affiliation is available, you must respond that the forms and related instructions are available to the public on the Internet and can be completed online and printed.

If the answer to any of those questions is “no”, are there plans to do so? Why not? Note: even in the best of scenarios, with all respondents having easy internet access, and all your forms being fillable on line, you would not state on the 83-I, #13(b)1, “100 %”, as this would imply that should a respondent NOT be able to use electronic means, there would not be an alternative available. This exception would not apply to Vessel Monitoring System users, when the system is a requirement.

A separate aspect of the question is your use of technology. This is of particular concern in the case of interviews. Will your interviewers use laptops or other computers to directly enter the answers being provided? If not, why not?

#### **4. Describe efforts to identify duplication.**

Describe your efforts to identify duplication with other collections (under other OMB Control Numbers or collections by states, etc.) which may be gathering the same or similar information. If the same or similar information is available, describe why it cannot be used or modified for the purposes described in "2" above.

#### **5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

If the collection will have a significant impact on small entities such as small businesses, organizations, or government bodies (see the instruction above for Item 5 of the OMB 83-I), describe the methods used to minimize the burden on them.

#### **6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

Address both parts of the question: not conducting the collection AND doing it less frequently. Generally one or two paragraphs are sufficient.

#### **7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

See [Attachment 1](#), OMB Guidelines for Information Collections, and explain the need for any inconsistencies in your collection.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

The first sentence should read: “A Federal Register notice was published on (Month, Day, Year). No comments were received” (OR if there were pertinent comments, describe and respond to comments or describe how you responded directly to the commenter).

Specifically address comments received on the estimated cost and hour burden.

If you are submitting the request in association with a Notice of Proposed Rulemaking, eliminate the sentence about publication of a Federal Register notice and state that a proposed rule will be published for public comment. Please give the RIN.

Regarding the second part of the question, “Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported” consultation with representatives of those being affected should occur at least once every three years, even if the collection has not changed. If circumstances prevent this consultation, describe them, but please note that OMB is emphasizing the need for such consultations. Do not list consultations that took place more than 3 years ago.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

OMB is generally opposed to payments or gifts for information submissions, so if you are proposing to do so provide a good justification for it.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

You must cite a specific authority for promising confidentiality. If there is no applicable authority, and you do plan to protect the information, please describe the management, operational and technical safeguards, but do not state that information will be confidential.

1. For many NMFS PRAs, section 402(b) of the [Magnuson-Stevens Act as amended in 2006](#) (16 U.S.C. 1801, et seq.) may apply (see page 152).

2. If the [Privacy Act](#) (5 USC 552a) applies to a collection (see below), it can be used as a statutory authority for confidentiality: <http://www.privacy.gov.au/act/privacyact/>. If there is another appropriate statutory authority in addition to the privacy act, it is best to cite that authority. However, if the Privacy Act applies, compliance with this Act is still necessary (see below).

This Act generally applies if records will be primarily retrieved by personally identifiable information, e.g. name, SSN or date of birth. This Act “governs the collection, maintenance, disclosure of information from or about identifiable individuals (not statistical or aggregate information).” For these purposes, corporations are NOT considered to be individuals, but persons acting as or for corporations are still considered individuals. Also, if a business does not have an Employer Identification Number (EIN) and thus must supply an SSN, the SSN requires protection under the Privacy Act.

If an information collection falls under this Act, a “system of records” must be published in the Federal Register, which describes how and where the information is stored, and how it is secured. If a system of records already exists under which this collection would fall, then you do not need to go through this process. For instance, NOAA has a general fishery statistics system of records, NMFS Alaska and Northwest Regions have permit systems of records, and a NMFS-wide Permit system of records is under review at DOC.

The [NOAA Privacy Act homepage](#) provides links to tutorials and instructions related to the Act, as well as a list of NOAA systems of records (which, however, may not be current). The NOAA PRA Clearance Officer can work with you to determine the applicability of the Privacy Act, and how to make your collection compliant if the Act is determined to be applicable.

If you request a respondent’s social security number, this Privacy Act note (Section 7(a)(1) applies: Any Federal, State or local government agency which requests an individual to disclose his social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited, and what uses will be made of it.

The DOC-approved Privacy Act Statement citing the DCIA is:

“This information is used to verify the identity of the applicant(s) and to accurately retrieve confidential records related to federal permits. The primary purpose for requesting the SSN/TIN is for the collection and reporting on any delinquent amounts arising out of such person’s relationship with the government pursuant to the Debt Collection Improvement Act of 1996 (Public Law 104-134). Personal information is confidential and protected under the Privacy Act (5 U.S.C. 552a). Business information may be disclosed to the public.”

This statement must be included along with the Paperwork Reduction Act statement on all forms on which the SSN is requested.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

The justification should include the reasons why the questions are necessary, the specific uses for the information, the explanation to be given to the respondents, and any steps taken to obtain their consent.

Note on the following two questions: You may present burden hour and cost estimates from Items 12 and 13 in a single table, making sure to separate “labor costs” from 12 and “recordkeeping and reporting” costs from 13 into separate, clearly labeled columns. See the [sample table format](#), with two types of response that might be found in a NMFS collection. The hour and dollar amounts are examples only, not necessarily accurate for your purposes.

**12. Provide an estimate in hours of the burden of the collection of information.**

This question corresponds most closely to **#13 on the 83-I (burden to the public)** but also asks for the labor cost per burden hour.

Although this submission may be a revision to an approved collection, and thus describes only the new or changed requirements in Question 2, this answer should state the total new burden hours and how much this figure is increased/decreased from the previous burden (if any) for the requirement.

- a. The statement must provide the number of respondents expected annually, the frequency of their responses, the total number of responses expected, the average response time per respondent, and the total annual response time (in hours) for the collection. Response time includes not only the time necessary to complete the form or answer the questions, but also the time needed to gather the information (unless it was already being gathered for other purposes), to have it reviewed by lawyers or accountants, etc. Explain how you arrived at these estimates.
- b. Remember that figures should be annualized. For example, if a permit will be valid for three years, and you expect 300 respondents the first year and none the second and third years, use the average of 100 respondents. If the burden per response is expected to vary widely, show the expected range of responses and explain the variance.
- c. If the collection will involve more than one form or other means of information collection, provide burden estimates for each form.
- d. Provide estimates of annualized labor cost to respondents for the hour burden for the collection, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for the collecting the information should not be included here (see Item 14 below).



**13. Provide an estimate of the total annual recordkeeping/reporting cost burden to the respondents resulting from the collection (excluding the value of the burden hours in #12 above).**

This bears repeating - do NOT include the labor cost (wage equivalent) of the burden hours described in Question 12 (above). The information required here corresponds to that in **#14 on the 83-I (cost to the public)**.

The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. The total figure should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life), if applicable; and (b) a total operations, maintenance, and purchase of services components.

a. Capital and start-up costs, averaged over the three-year collection period, include among other items, preparations for collecting information such as purchasing computers and software (if not normally expected to have such equipment for other purposes), a vessel monitoring system if the Federal Government is not paying for it, monitoring, sampling, drilling, and testing equipment; and record storage facilities.

(1) If cost estimates are expected to vary widely (e.g. based on choice of equipment vendor), present ranges of cost burden and explain the reasons for the variance, but in your final figures use the highest estimate.

(2) Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (a) to achieve regulatory compliance with requirements not associated with the information collection, (b) for reasons other than to provide information or keep records for the government, or (c) as part of customary and usual business of private practices.

b. Operations and maintenance costs include the costs of mailing, faxing or calling in information, making paper copies, notary costs, and electronic transmission from vessel monitoring systems. Paint and brushes for vessel and gear marking would also fall under this category. Regular maintenance of any equipment whose initial costs fall under “capital and start-up” would also belong here.

**14. Provide estimates of annualized cost to the Federal government.**

Include here a description of the method used to estimate costs to the Federal government, which should show the quantification of hours, operational expenses (such as equipment, overhead, printing, and staff support), and any other expense which would not have been incurred without this collection of information. If there will be no costs beyond the normal labor costs for staff, state so.



**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

Program changes are new collections or changes in requirements. Adjustments are re-estimates of the number of respondents, responses and/or the response times for existing requirements. Please be more specific than, e.g. "Changes were due to the requirement that \_\_\_\_". List at least net changes and the specific reasons for them, e.g. "Increased reporting/recordkeeping costs are due to the capital costs of vessel monitoring systems". If there are no changes, "NA" is sufficient, with no explanation needed.

If this is a new program, and hence obviously there are no changes from a previous version, simply state "This is a new program".

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

Address any complex analytical techniques that will be used.

Provide a time schedule for the collection, publication, and other actions. Also, will the results of the collection be made available on your organization's Home Pages? If not, why not?

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

Self-explanatory.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

Self-explanatory. There are virtually never exceptions.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

If your collection does not employ statistical methods, just say that and delete the following five questions from the format – UNLESS your proposed information collection is a survey. OMB has recently clarified that Part B must be completed for all survey requests, whether or not statistical analysis will be applied. In addition to statistical analysis, Part B addresses the description of the target group of respondents, the sampling plan, and plans to maximize response rates and address non-response.

When Item 17 of the OMB 83-I is checked "Yes", the following documentation should be provided to the extent that it applies to the methods proposed. Click on this link to the applicable section of a 3-05 OMB PRA training.

**1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection method to be used. Data on the number of entities (e.g. establishments, State and local governmental units, households, or persons) in the universe and the corresponding sample are to be provided in tabular form. The tabulation must also include expected response rates for the collection as a whole. If the collection has been conducted before, provide the actual response rate achieved.**

Note: response rate means: Of those in your respondent sample, from what percentage do you expect to get the required information (if this is not a mandatory collection). The nonrespondents would include those you could not contact, as well as those you contacted but who refused to give the information.

**2. Describe the procedures for the collection, including: the statistical methodology for stratification and sample selection; the estimation procedure; the degree of accuracy needed for the purpose described in the justification; any unusual problems requiring specialized sampling procedures; and any use of periodic (less frequent than annual) data collection cycles to reduce burden.**

If you are selecting a uniform respondent universe, you may be using simply a random numbers table to select a sample.

Stratified sampling is often used when the sampling population can be split into non-overlapping strata that individually are more homogeneous than the population as a whole (e.g. gender and age groups). If there are no obvious "dividing lines", grid lines can be used to divide the population. Random samples are taken from each stratum (or class) and the results are combined to estimate a population mean. Stratified sampling is most successful when the variance within each stratum is less than the overall variance of the population (Christopher and Schmitt, Environmental Monitoring and Sampling Primer, 1997:

<http://ewr.cee.vt.edu/environmental/teach/smprimer/design/sample.html#stratified>).

**3. Describe the methods used to maximize response rates and to deal with nonresponse. The accuracy and reliability of the information collected must be shown to be adequate for the intended uses. For collections based on sampling, a special justification must be provided if they will not yield "reliable" data that can be generalized to the universe studied.**

Any aspect of your plan which makes it easier and more attractive to comply with the request for information, would tend to maximize response rate. This would include:

- Such steps as pre-notification and various types of follow-up with those who did not respond at the first opportunity (give details, e.g. intervals for follow-up, type(s) of follow-up, how many times you will follow up)
- Making the questions as simple and brief as possible

- Already having a good working relationship with this group and/or the group's perception that actions based on the information collected would be helpful to them.

A lower response rate than 75% would definitely require a plan to address nonresponse, according to OMB's standards. This means that a large enough number of respondents didn't give information so that there is a possibility that their answers as a group might have differed significantly from those who did respond. Following up with nonrespondents – resending surveys or sending a shorter version of the survey, trying a phone interview if possible, etc. are all effective strategies.

**4. Describe any tests of procedures or methods to be undertaken. Tests are encouraged as effective means to refine collections, but if ten or more test respondents are involved OMB must give prior approval under the Paperwork Reduction Act.**

Pilot surveys of 10 or more are often conducted, and must go through the PRA approval process.

**5. Provide the name and telephone number of individuals consulted on the statistical aspects of the design, and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.**

Self-explanatory.